

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7941**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ADRIAN RICHARDS, a/k/a Jamican Tony,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CR-99-167, CA-00-105)

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Submitted: February 14, 2002

Decided: March 11, 2002

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Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Adrian Richards, Appellant Pro Se. William Edward Fitzpatrick, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Adrian Richards seeks to appeal the district court's order denying his motion for reconsideration. We dismiss the appeal for lack of jurisdiction because Richards' notice of appeal was not timely filed.

Parties to civil actions are accorded sixty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on February 1, 2000.\* Richards' notice of appeal was filed on November 5, 2001. See Houston v. Lack, 487 U.S. 266 (1988). Because Richards failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny a certificate of appeal-

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\* The district court's order, which simply stated that Richards' reconsideration motion was denied, satisfied the "separate document" requirement of Federal Rule of Civil Procedure 58. See Quinn v. Haynes, 234 F.3d 837, 843 (4th Cir. 2000) (stating that the time to appeal does not begin to run when a district court does not enter its judgment on a separate document); Hughes v. Halifax County Sch. Bd., 823 F.2d 832, 835 (4th Cir. 1987) (stating that a succinct order accompanied by no explanation is a "separate document" for Rule 58 purposes).

ability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED